IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3569 of 2005

Between:

B. Ram Mohan Reddy, S/o. B.Madhu Sudan Reddy, aged about 34 years, Occ: Business, R/o.10-3-48/2, East Maredpally, Secunderabad.

... PETITIONER

AND

1. Municipal Corporation of Hyderabad,

Rep.by its Commissioner, Tank Bund, Hyderabad.

2. Office of the Additional Commissioner (Advt.)

Advertisement Section, Head Office, MCH Bhavan, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing the impugned notice No.27/Advt/MCH/2004-05 dt.16-02-2005 as arbitrary illegal, without any jurisdiction, and violative of Article 14, 19(1)(g) 21 of Constitution of India and consequently set aside the impugned notice dated 16-02-2005.

Counsel for the Petitioner: MR.D.JAGAN MOHAN REDDY

Counsel for the Respondents: SMT.G.JYOTHI KIRAN

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in treating the name Board/board frames fixed by the petitioner on the parapet wall of its business place as covered by Section 420 and 421 of Hyderabad Municipal Corporation Act 1955 (for short, 'the Act'), and consequently to declare that the impugned proceedings dated 16-02-2005 demanding advertisement fees as arbitrary and illegal.

I have heard the learned counsel for the petitioner and the learned Standing Counsel Smt.G.Jyothi Kiran appearing for the respondents.

The learned counsel for the petitioner contends that the Name Board securely fixed on parapet wall of the business premises of the petitioner is not a sky sign nor an advertisement and therefore Sections 420 & 421 of the Act do not attract. Thus, according to the learned Counsel, the petitioner is not liable to pay the advertisement fees as demanded under the impugned notice. Since admittedly the said objection raised by the petitioner has not been considered by the respondents before issuing the impugned demand, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to submit his explanation raising all the

objections as are available under law treating the impugned demand notice as a show cause notice. If any such explanation is submitted by the petitioner within four weeks from today, the respondents shall consider the same and pass appropriate orders afresh in accordance with law. Till such orders are passed, the impugned notice shall not be given effect to. No order as to costs.

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G. ROHINI, J

Dated: 25-02-2005

LSK

ASSISTANT REGISTRAR

To

1 The Commissioner, Municipal Corporation of Hyderabad,
Tankbund Road, Hyderabad.
2 The Addl, Commissioner (Finance) Advertisement Section, M.C.H. Tankbund Road, Hyderabad.

3 Two C.D. copies.